

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JUXTACOMM TECHNOLOGIES, INC.

PLAINTIFF,

v.

ASCENTIAL SOFTWARE CORP., ET AL.,

DEFENDANTS.

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Civil Action No. 2:07-CV-00359-LED

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff JuxtaComm Technologies, Inc. (“JuxtaComm”) and Defendants Ascential Software Corporation, International Business Machines, and Microsoft Corporation (collectively, “the Defendants”) request modifications of certain deadlines in the Docket Control Order (Docket No. 174) and Joint Final Pretrial Order (Docket No. 725) and show as follows:

1. JuxtaComm and the Defendants have conferred and agree to an extension of the deadlines in the Docket Control Order regarding the filing of (i) rebuttal designations and objections to deposition testimony, (ii) objections to rebuttal deposition testimony; (iii) the joint proposed jury instructions and verdict form; and (iv) pre-trial objections:

<u>Activity</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
File Counter Deposition Designations & Objections to Opening Deposition Designations	October 5, 2009	October 13, 2009
File Joint Proposed Jury Instructions & Verdict Form	October 9, 2009	October 23, 2009

File Objections to Counter Deposition Designations and file any Rebuttal Deposition Designations	October 12, 2009	October 20, 2009
File Pre-Trial Objections	October 19, 2009	October 26, 2009
File Responses to Motions in Limine	October 19, 2009	October 23, 2009

2. The parties' agreement will not affect any pending hearing or trial dates in this matter.

WHEREFORE, JuxtaComm and the Defendants respectfully request this Court enter the accompanying Agreed Order setting forth amendments to the Docket Control Order and grant further relief that is just and proper.

Dated October 3, 2009

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this Motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 3rd day of October, 2009.

R. Laurence Macon

R. LAURENCE MACON